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New York, New York 10166  
(212) 351-4000

*Attorneys for Plaintiffs Gucci America, Inc.  
and Chloé SAS*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GUCCI AMERICA, INC. and CHLOÉ SAS,

Plaintiffs,

-against-

LAURETTE COMPANY, INC. and JENNIFER  
MARIE MATTCHEM a/k/a JENNIFER MARIE  
KIRK a/k/a JENNIFER BESSON d/b/a  
THEBAGADDICTION.COM; ABC COMPANIES;  
and JOHN DOES,

Defendants.  
-----X

08 Civ. 5065

**DECLARATION OF  
ROBERT L. WEIGEL**

Robert L. Weigel hereby declares as follows:

1. I am a member of the bar of this Court and a partner of the law firm of Gibson, Dunn & Crutcher LLP, counsel to Gucci America, Inc. and Chloé SAS (“Chloé”) (collectively, Plaintiffs). I submit this declaration in support of Plaintiffs’ application for a temporary restraining order and preliminary injunction.

2. Attached as Exhibit 1 is a true and correct copy of remarks of President George W. Bush upon signing the Stop Counterfeiting in Manufactured Goods Act, as posted on the White

House website, <<http://www.whitehouse.gov/news/releases/2006/03/print/20060316-7.html>>, as of April 12, 2007.

3. Attached as Exhibit 2 is a copy of the Court's judgment and damages award of \$4.3 million in Gucci America, Inc. v. MyReplicaHandbag.com, 07 Civ. 2438 (JGK) (S.D.N.Y.) (Mar. 4, 2008).

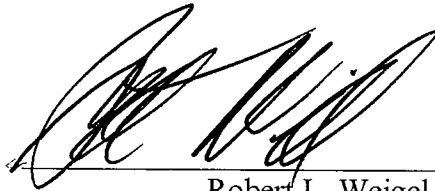
4. Attached as Exhibit 3 is a copy of the \$2 million consent judgment obtained from Defendants in Gucci America, Inc. v. HGL Enterprises, 07 Civ. 5569 (RMB) (S.D.N.Y.) (Nov. 28, 2007).

5. Attached as Exhibit 4 is a copy of the Temporary Restraining Order and Order to Show Cause in Gucci America, Inc. v. MyReplicaHandbag.com, 07 Civ. 2438 (JGK) (S.D.N.Y. Mar. 27, 2007).

6. No previous application has been made for the relief sought herein.

I hereby declare, under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
June 2, 2008

A handwritten signature in black ink, appearing to read 'Robert L. Weigel', is written over a horizontal line.

Robert L. Weigel

**EXHIBIT 1**



CLICK HERE TO PRINT

For Immediate Release  
Office of the Press Secretary  
March 16, 2006

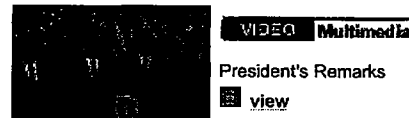
## President Signs 'Stop Counterfeiting in Manufactured Goods' Act

Room 350

Dwight D. Eisenhower Executive Office Building

[Fact Sheet: President Signs the Stop Counterfeiting in Manufactured Goods Act](#)

3:07 P.M. EST



THE PRESIDENT: Thank you. Welcome. Thanks for coming. In a few moments, I will sign a bill that protects the hard work of American innovators, strengthens the rule of law, and helps keep our families and consumers safe. The Stop Counterfeiting in Manufactured Goods Act has earned broad support. And I want to thank all those who helped get this bill passed for being here today. I want to thank the lawmakers from both political parties for getting this piece of legislation to this desk. I want to thank the consumer protection groups who have joined us, as well. Thanks for your hard work on this important piece of legislation.

I want to thank the Attorney General, Al Gonzales, who has joined us; the Secretary of Commerce, Carlos Gutierrez; my Secretary of Labor, Elaine Chao. Thank you all for being here. I appreciate the Chairman of the Judiciary -- House Judiciary, Jim Sensenbrenner, for joining us today. I also want to thank the bill's sponsor, Joe Knollenberg from Michigan, as well as Bobby Scott from Virginia. Thank you three members for being here. The senators claim they're voting on important legislation, otherwise they would have been here, too. (Laughter.)

This economy of ours is strong, it's getting stronger. We grew at 3.5 percent last year, the national unemployment is 4.8 percent. People are buying homes, the small business sector is strong, productivity is up. Our country is productive, it's innovative, it's entrepreneurial, and we've got to keep it that way.

One of the problems we have is that people feel comfortable, at times, in trying to take a shortcut to success in the business world. They feel like they can copy existing products, instead of designing their own. In order to keep this economy innovative and entrepreneurial, it's important for us to enforce law, and if the laws are weak, pass new laws, to make sure that the problem of counterfeiting, which has been growing rapidly, is arrested, is held in check.

Counterfeiting costs our country hundreds of billion dollars a year. It has got a lot of harmful effects in our economy. Counterfeiting hurts businesses. They lose the right to profit from their innovation. Counterfeiting hurts workers, because counterfeiting undercuts honest competition, rewards illegal competitors. Counterfeiting hurts our -- counterfeiting hurts consumers, as fake products expose our people to serious health and safety risks. Counterfeiting hurts the government. We lose out on tax revenue. We have to use our resources for law -- of law enforcement to stop counterfeiting. Counterfeiting hurts national security, as terrorist networks use counterfeit sales to sometimes finance their operations.

This administration and Congress have worked together to confront the illegal threat, the real threat of illegal activity such as counterfeiting. And the bill I'm signing today is an important step forward.

The bill helps us defeat counterfeiting in two key ways. First, the bill strengthens our laws against trading counterfeit labels and packaging. In the past, the law prohibited the manufacturing, shipping, and -- or selling of

counterfeit goods, but it did not make it a crime to ship falsified labels or packaging, which counterfeits could then attach to fake products.

This loophole helped counterfeiters cheat consumers by passing off poorly-made items as brand-name goods. By closing the loophole, we're going to keep honest Americans from losing business to scam artists.

Secondly, the bill strengthens penalties for counterfeiters and gives prosecutors new tools to stop those who defraud American consumers. The bill requires courts to order the destruction of all counterfeit products seized as a part of a criminal investigation. The bill requires convicted counterfeiters to turn over their profits, as well as any equipment used in their operations, so it can't be used to cheat our people again. The bill requires those convicted of counterfeiting to reimburse the legitimate businesses they exploited. These common sense reforms will help law enforcement to crack down on this serious crime. We've got to get the counterfeiters and their products off the streets.

The tools in the bill I sign today will become a part of our broad effort to protect the creativity and innovation of our entrepreneurs. This administration is leading an initiative called STOP – Strategy Targeting Organized Piracy. Nine federal agencies are coming together in this initiative, including the Department of Justice, which has launched the most aggressive effort in American history to prevent intellectual property violations. We've expanded computer hacking and intellectual property units in U.S. Attorney's offices all across the country. We're posting specially trained prosecutors and FBI agents at American embassies in Asia and Eastern Europe. We're working with other nations and the World Trade Organization to promote strong intellectual property laws around the globe. We're cooperating with the private sector to raise awareness of counterfeiting so we can help stop fraud before it starts.

These efforts are getting some results. Last year, we dismantled a piracy ring in Massachusetts that was planning to sell more than 30,000 counterfeit hand bags and shoes and necklaces and other items.

With partners overseas, we broke up a prescription drug counterfeiting network, and seized more than \$4 million in phony medicine. With the help of 16 countries on five continents, we removed more than \$100 million of illegal online software, games, movies and music. This is a really important effort, and as we call upon folks to send a message to the counterfeiters, we're not going to tolerate your way of life, that we need to give them all the tools necessary to do their jobs. And this bill I'm going to sign here in 30 seconds does just that.

Again, I want to thank you all for being here to help honor these legislators that crossed the partisan divide to help protect this country from those who feel like they can sell illegal products and counterfeit and steal our – steal intellectual property. Good work. Thanks for coming. Now let's sign the bill. (Applause.)

(The bill is signed.) (Applause.)

END 3:15 P.M. EST

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**Return to this article at:**

<http://www.whitehouse.gov/news/releases/2006/03/20060316-7.html>

 [CLICK HERE TO PRINT](#)

**EXHIBIT 2**

**CHAMBERS OF  
JUDGE JOHN G. KOELTL  
UNITED STATES COURTHOUSE  
500 PEARL STREET  
NEW YORK, NEW YORK 10007**  
TEL. NUMBER: (212) 805-0222  
FAX NUMBER: (212) 805-7912

**FACSIMILE COVER SHEET**

DATE: March 4, 2008

TO: Robert Weigel, Esq. (212) 351-5236  
Michael Bondi, Esq. (612) 632-4309  
Magistrate Judge Eaton x 6181

RE: Gucci v. Myreplicahandbag.com, No. 07 Civ. 2438

FROM: JUDGE KOELTL'S CHAMBERS

There are 11 pages being transmitted, including this cover page.  
If there are any questions, please call 212-805-0222.

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PLEASE NOTE: The information contained in this facsimile is intended only for the use of the individual(s) named above and others who have been specifically authorized to receive such. If the recipient is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify Chambers immediately by telephone at (212) 805-0222. Thank you.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GUCCI AMERICA, INC.; CHLOÉ SAS; and  
ALFRED DUNHILL LIMITED,

Plaintiffs,

-against-

MYREPLICAHANDBAG.COM; WHOLESALE-  
REPLICA.COM; REPLICA-WATCH-  
TOWN.COM; TRADERINASIA CONSULTING  
LLC; KELVIN CHO a/k/a KELVIN CHO YAW  
COON a/k/a "CHO YAW KOON"; ABC  
COMPANIES; and JOHN DOES,

Defendants.

07 Civ. 2438 (JGK)

~~PROPOSED~~  
JUDGMENT

WHEREAS, this action having been commenced on March 26, 2007 by the filing of the Summons and Complaint asserting that Defendants MyReplicaHandbag.com, Wholesale-Replica.com, Replica-Watch-Town.com, TraderinAsia Consulting LLC ("TraderinAsia"), and Kelvin Cho a/k/a Kelvin Cho Yaw Coon a/k/a "Cho Yaw Koon" ("Cho") and unidentified parties designated as "ABC Companies" and "John Does" (collectively "Defendants") have engaged in unlawful trademark counterfeiting, trademark infringement, trademark dilution, unfair competition and deception under federal and New York law through their unauthorized use of trademarks owned by Plaintiffs Gucci America, Inc. ("Gucci"), Chloé SAS ("Chloé") and Alfred Dunhill Limited ("Alfred Dunhill") (collectively "Plaintiffs");

*(the marks being defined as "Plaintiffs' Marks" and defined on Exhibit A hereto);*

WHEREAS, copies of the Summons and Complaint were served in compliance with the Court's order to show cause and temporary restraining order issued on March 26, 2007 (the "March 26 Order");



WHEREAS, a Notice of Compliance with Service Provisions of the March 26 Order was filed on April 17, 2007;

WHEREAS, Defendants MyReplicaHandbag.com, Wholesale-Replica.com, Replica-Watch-Town.com never appeared in this action;

WHEREAS, despite receiving three extensions of time, Defendants Cho and TraderinAsia never complied with the terms of the Court's Order to Show Cause;

WHEREAS, despite receiving four extensions of time, Defendants Cho and TraderinAsia never produced any documents responsive to any of Plaintiffs' discovery requests, as directed in the March 26 Order, April 19, 2007 stipulation and order, May 4 order on consent, and June 22, 2007 order denying Defendants' motion to dismiss and granting Plaintiffs' motion for a preliminary injunction;

WHEREAS, on July 10, 2007, the Court granted an unopposed motion by the counsel who had been representing Defendants Cho and TraderinAsia in this lawsuit to withdraw and simultaneously ordered that if Defendant TraderinAsia did not appear by new counsel by July 27, 2007, and Defendant Cho did not appear by new counsel or *pro se* by July 27, 2007, Plaintiffs could seek default judgment against them;

WHEREAS, Defendants did not appear by a new attorney or file notice that Mr. Cho would appear *pro se*;

WHEREAS, Plaintiffs' Complaint and papers submitted in support of Plaintiffs' application for a temporary restraining order and preliminary injunction made clear that Plaintiffs would seek the relief provided herein and monetary damages in excess of \$424 million;

WHEREAS, the Court ordered, in the March 26 Order and as continued in the June 22 preliminary injunction, that any money, stocks, bonds, real or personal property, or other assets of Defendants (collectively "Defendants' Assets") were enjoined from being transferred, disposed of, secreted, or otherwise made unavailable to provide final relief to Plaintiffs;

WHEREAS, the terms of the asset restraint provisions of the March 26 Order as continued in the June 22 preliminary injunction were made applicable to any banks, savings and loan associations, credit card companies, credit card processing agencies, or other financial institutions or agencies that engage in the transfer of real or personal property, and all persons acting in concert or in participation with any of the Defendants who are in possession of Defendants' Assets (collectively, "Defendants' Assets Holders");

WHEREAS, on August 23, 2007, Plaintiffs moved the Court to grant a default judgment against Defendants;

WHEREAS, Defendants did not oppose Plaintiffs' motion for a default judgment;

WHEREAS, at a hearing on September 7, 2007, the Court granted default judgment against Defendants and referred the case to Magistrate Judge Douglas F. Eaton to conduct an inquest into damages and to write a Report and Recommendation as to the amount of damages to be awarded against Defendants;

WHEREAS, Magistrate Judge Eaton issued a Report and Recommendation on January 25, 2007 recommending that: (1) Plaintiff Gucci America, Inc. be awarded \$3,600,000 against the Defendants, jointly and severally; (2) Plaintiff Chloé SAS be awarded \$400,000 against the Defendants, jointly and severally; (3) Plaintiff Alfred Dunhill Limited be awarded \$300,000 against the Defendants, jointly and severally; (4) a permanent injunction

against the defendants be granted enjoining them from using any of the plaintiffs' trademarks or copyrights; (5) as partial satisfaction of the monetary judgment, the Court should order that Defendants' Assets that were "frozen" pursuant to the March 26 Order and the June 22, 2007 Preliminary Injunction Order, as identified in Paragraphs 64-69 of Plaintiff's Inquest Memorandum, be transferred to Gibson, Dunn & Crutcher, LLP; and (6) the final judgment shall apply to Traderinasia Sdn. Bhd., as well as to the five defendants that were identified in the caption of the Complaint;

WHEREAS, no parties have filed objections to the January 25, 2007 Report and Recommendation; and

WHEREAS, the Court adopted Judge Magistrate Eaton's Report and Recommendation on February 25, 2008; it is

**ORDERED, ADJUDGED and DECREED:**

1. That this Judgment shall apply to Traderinasia Sdn. Bhd., as well as to the five Defendants that were identified in the caption of the Complaint.

2. That the injunctive terms of the March 26 Order and the June 22 preliminary injunction are hereby made permanent and incorporated into this Judgment, and Defendants, their officers, directors, agents, representatives, successors or assigns, and all persons acting in concert or in participation with any of them are permanently enjoined from:

- (a) manufacturing, distributing, delivering, shipping, importing, exporting, advertising, marketing, promoting, selling or otherwise offering for sale Counterfeit Products or any other products produced by Plaintiffs or confusingly similar to Plaintiffs' Products, or that otherwise bear, contain, display or utilize any of Plaintiffs'

Marks, any derivation or colorable imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks;

- (b) making or employing any other commercial use of Plaintiffs'

Marks, any derivation or colorable imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks;

- (c) using any other false designation of origin or false description or representation or any other thing calculated or likely to cause confusion or mistake in the mind of the trade or public or to deceive the trade or public into believing that Defendants' products or activities are in any way sponsored, licensed or authorized by or affiliated or connected with Plaintiffs; and

- (d) doing any other acts or things calculated or likely to cause confusion or mistake in the mind of the public or to lead purchasers or consumers or investors into the belief that the products or services promoted, offered or sponsored by Defendants come from Plaintiffs or their licensees, or are somehow licensed, sponsored, endorsed, or authorized by, or otherwise affiliated or connected with Plaintiffs; and

- (e) further diluting and infringing all Plaintiffs' Marks and damaging Plaintiffs' goodwill; and

- (f) otherwise competing unfairly with Plaintiffs or any of their authorized licensees in any manner; and
- (g) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in the above subparagraphs (a) through (f), or effecting any assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (a) through (f); and

3. That Defendants shall recall and remove from all stores, shops, markets, outlets, catalogues, websites or other channels of commerce any Counterfeit Products or any other products confusingly similar to Plaintiffs' Products, or that otherwise bear, contain display or utilize any of Plaintiffs' Marks, any derivation or colorable imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks, that are in Defendants' possession or control and all means of making the same;

4. That Defendants shall deliver up for destruction all Counterfeit Products or any other products confusingly similar to Plaintiffs' Products, or that otherwise bear, contain, display or utilize any of Plaintiffs' Marks, any derivation or colorable imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks, that are in Defendants' possession or control and all means of making the same, in accordance with 15 U.S.C. § 1118;

5. That Defendants shall deliver up for destruction any and all guarantees, circulars, price lists, labels, signs, prints, packages, wrappers, pouches, receptacles, advertising matter, promotional, and other materials in the possession or control of

Defendants bearing any of Plaintiffs' Marks, any derivation or colorable imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks, in accordance with 15 U.S.C. § 1118;

6. That in lieu of an award of actual damages and profits, pursuant to 15 U.S.C. § 1117(c), and attorneys' fees incurred herein as a result of Defendants' intentional and willful infringement, pursuant to 15 U.S.C. § 1117 and N.Y. Gen. Bus. Law § 349(h), Plaintiff Gucci America, Inc. is hereby awarded \$3,600,000 against the Defendants, jointly and severally; Plaintiff Chloé SAS is hereby awarded \$400,000 against the Defendants, jointly and severally; Plaintiff Alfred Dunhill Limited is hereby awarded \$300,000 against the Defendants, jointly and severally, for a total amount of \$4.3 million (collectively, the "Damages Award");

7. That in accordance with Rule 64 of the Federal Rules of Civil Procedure, 15 U.S.C. § 1116(a), and this Court's inherent equitable power to issue remedies ancillary to its authority to provide final relief, all Defendants' Asset Holders, as defined above, who receive notice of this order by personal service or otherwise are ordered to liquidate those Defendants' Assets and transfer the value of such Defendants' Assets to such accounts as may be specified by Defendants' counsel, Gibson, Dunn & Crutcher, LLP, in partial satisfaction of the Damages Award. This includes: (i) any and all funds identified by the Bank of China as associated with Defendants, including in Account No. 4766603-0188-121131-3 (Swift No. BKCHCNBJ400), as confirmed in a May 3, 2007 facsimile from counsel for Bank of China; (ii) any and all funds identified by ProPay USA, Inc. as associated with Defendants, including in Account No. 15099731811 as confirmed in an April 5, 2007 e-mail from legal counsel for ProPay USA, Inc.; (iii) any and all funds identified by Washington Mutual as associated with

Defendants, including in Account Nos. 32400006185462, 09700001139615, and 09700001139673, as confirmed in a May 11, 2007 facsimile by a levy processor for Washington Mutual; (iv) any and all funds identified by NetBank as associated with Defendants, including in Account Nos. 15099731811, 00099731810001, and 11003728315, as confirmed in a May 2, 2007 e-mail from corporate counsel for NetBank; (v) any and all funds identified by PayPal, Inc. as associated with Defendants, including in Account No. 1564451059339721163 in the name of "Yaw Koon Cho," Account No. 1507329365951233430 in the name of "Kelvin Cho," and Account No. 1866081263539776404 in the name of "Yaw Cho," as confirmed in letters dated March 29, 2007 and May 17, 2006 from an escalations specialist for PayPal, Inc.; and (vi) any and all funds identified by Commerce Payment as associated with Defendants, as confirmed in March 30, 2007 and April 2, 2007 e-mails from Commerce Payment.

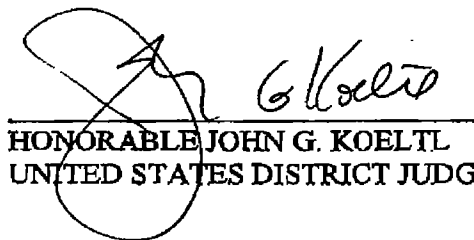
8. That the "IT IS FURTHER ORDERED" paragraph running from page 6 to page 7 of the March 26 Order, as confirmed by the June 22 preliminary injunction, is hereby made permanent as long as the Damages Award described above in Paragraph 6 remains unfulfilled, in accordance with Rule 64 of the Federal Rules of Civil Procedure, 15 U.S.C. § 1116(a), and this Court's inherent equitable power to issue remedies ancillary to its authority to provide final relief, such that in addition to the Defendants' Assets identified in Paragraph 7 above, any banks, savings and loan associations, credit card companies, credit card processing agencies, or other financial institutions or agencies that engage in the transfer of real or personal property, who receive actual notice of this Judgment by personal service or otherwise, are, without prior approval of the Court, temporarily restrained and enjoined from transferring, disposing of, or secreting any money, stocks, bonds, real or personal property, or

other assets of Defendants or otherwise paying or transferring any money, stocks, bonds, real or personal property, or other assets to any of the Defendants, or into or out of any accounts associated with or utilized by any of the Defendants. To the extent that such additional Defendants' Assets may be necessary to satisfy any remaining unpaid portion of the Damages Award, Defendants may apply to this Court for a further order compelling the liquidation and payment of additional funds necessary to satisfy this Court's Damages Award.

9. That the provision of this Court's March 26 Order requiring Plaintiffs to post a bond is hereby lifted, the bond issued in this matter on March 27, 2007 and filed with the Clerk of the Court on March 30, 2007 shall be and hereby is dissolved, and Plaintiffs need not post any further bond with the Clerk of the Court.

10. That the Clerk of the Court shall close this case and remove it from my docket. This Court, however, shall retain jurisdiction to: (a) issue such orders as may be necessary to enforce this Judgment or satisfy any remaining unpaid portion of this Court's Damages Award; (b) adjudicate any motion to find any of Defendants' Asset Holders in contempt of this Court's orders; or (c) reopen this matter in the event it is necessary to pursue sanctions for any violations of this Judgment.






IT IS SO ORDERED:

  
HONORABLE JOHN G. KOELTL  
UNITED STATES DISTRICT JUDGE


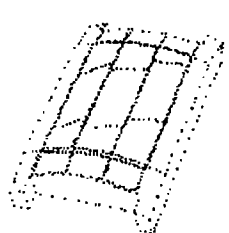
Dated: March 4, 2008



## EXHIBIT A

Mark	Reg./Serial No.	Date of Registration
GUCCI	876,292 959,338 972,078 1,168,477 1,321,864	09/09/59 5/22/73 10/30/73 09/08/81 02/26/85
NON-INTERLOCKING GG MONOGRAM 	1,106,722	11/21/78
GUCCI CREST 	1,112,601	02/06/79
GREEN-RED-GREEN STRIPE 	1,122,780 1,483,526	07/24/79 04/05/88
SQUARE G	2,042,805	03/11/97
	2,234,272	03/23/99
REPEATING GG DESIGN 	3,072,549	03/28/06

Mark	Reg./Serial No.	Date of Registration
CHLOE	1,491,810 1,513,535 1,925,176 2,745,487 3,198,388	06/14/88 11/22/88 10/10/95 08/05/03 01/16/07
CHLOE IN STYLIZED FORM  <b>Chloë</b>	950,843 1,020,289 1,103,275 1,182,862 78,761,371	01/16/73 09/16/75 10/03/78 12/22/81 pending
PADDINGTON	78,863,562	pending
SILVERADO	78,863,566	pending

Mark	Reg./Serial No.	Date of Registration
DUNHILL	843,270 858,928 858,964 859,052 1,135,644 1,172,665	01/30/68 10/22/68 10/22/68 10/22/68 05/20/80 10/06/81
DUNHILL IN STYLIZED FORM  	527,207 540,389 881,310 1,555,840 1,734,900 1,799,883	07/04/50 04/03/51 11/25/69 09/12/89 11/24/92 10/19/93
FACET WATCH - ONE ASPECT  	2,852,116	06/08/04

Robert Weigel (RW 0163)  
Howard S. Hogan (HH 7995)  
GIBSON, DUNN & CRUTCHER, LLP  
200 Park Avenue  
New York, New York 10166  
(212) 351-4000

*Attorneys for Plaintiffs Gucci America, Inc.  
and Chloé SAS*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GUCCI AMERICA, INC. and CHLOÉ SAS,

Plaintiffs,

-against-

LAURETTE COMPANY, INC. and JENNIFER  
MARIE MATTCHEN a/k/a JENNIFER MARIE  
KIRK a/k/a JENNIFER BESSON d/b/a  
THEBAGADDICTION.COM; ABC COMPANIES;  
and JOHN DOES,

Defendants.  
-----X

08 Civ. \_\_\_\_\_

**DECLARATION OF  
ROBERT L. WEIGEL**

Robert L. Weigel hereby declares as follows:

1. I am a member of the bar of this Court and a partner of the law firm of Gibson, Dunn & Crutcher LLP, counsel to Gucci America, Inc. and Chloé SAS (“Chloé”) (collectively, Plaintiffs). I submit this declaration in support of Plaintiffs’ application for a temporary restraining order and preliminary injunction.

2. Attached as Exhibit 1 is a true and correct copy of remarks of President George W. Bush upon signing the Stop Counterfeiting in Manufactured Goods Act, as posted on the White

House website, <<http://www.whitehouse.gov/news/releases/2006/03/print/20060316-7.html>>, as of April 12, 2007.

3. Attached as Exhibit 2 is a copy of the Court's judgment and damages award of \$4.3 million in Gucci America, Inc. v. MyReplicaHandbag.com, 07 Civ. 2438 (JGK) (S.D.N.Y.) (Mar. 4, 2008).

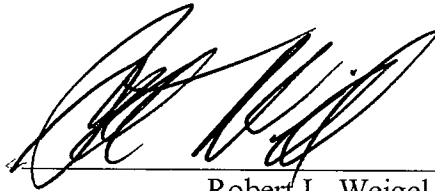
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6. No previous application has been made for the relief sought herein.

I hereby declare, under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
June 2, 2008

A handwritten signature in black ink, appearing to read 'Robert L. Weigel', is written over a horizontal line.

Robert L. Weigel

**EXHIBIT 1**



CLICK HERE TO PRINT

For Immediate Release  
Office of the Press Secretary  
March 16, 2006

## President Signs 'Stop Counterfeiting in Manufactured Goods' Act

Room 350

Dwight D. Eisenhower Executive Office Building

[Fact Sheet: President Signs the Stop Counterfeiting in Manufactured Goods Act](#)

3:07 P.M. EST



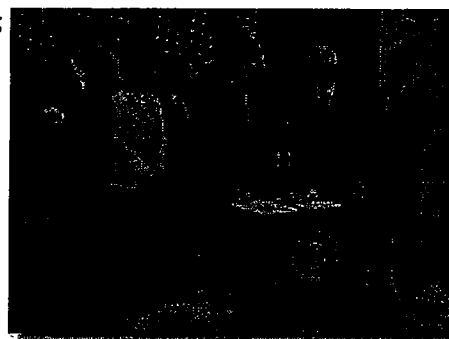
VIDEO Multimedia

President's Remarks

[view](#)

THE PRESIDENT: Thank you. Welcome. Thanks for coming. In a few moments, I will sign a bill that protects the hard work of American innovators, strengthens the rule of law, and helps keep our families and consumers safe. The Stop Counterfeiting in Manufactured Goods Act has earned broad support. And I want to thank all those who helped get this bill passed for being here today. I want to thank the lawmakers from both political parties for getting this piece of legislation to this desk. I want to thank the consumer protection groups who have joined us, as well. Thanks for your hard work on this important piece of legislation.

I want to thank the Attorney General, Al Gonzales, who has joined us; the Secretary of Commerce, Carlos Gutierrez; my Secretary of Labor, Elaine Chao. Thank you all for being here. I appreciate the Chairman of the Judiciary -- House Judiciary, Jim Sensenbrenner, for joining us today. I also want to thank the bill's sponsor, Joe Knollenberg from Michigan, as well as Bobby Scott from Virginia. Thank you three members for being here. The senators claim they're voting on important legislation, otherwise they would have been here, too. (Laughter.)



This economy of ours is strong, it's getting stronger. We grew at 3.5 percent last year, the national unemployment is 4.8 percent. People are buying homes, the small business sector is strong, productivity is up. Our country is productive, it's innovative, it's entrepreneurial, and we've got to keep it that way.

One of the problems we have is that people feel comfortable, at times, in trying to take a shortcut to success in the business world. They feel like they can copy existing products, instead of designing their own. In order to keep this economy innovative and entrepreneurial, it's important for us to enforce law, and if the laws are weak, pass new laws, to make sure that the problem of counterfeiting, which has been growing rapidly, is arrested, is held in check.

Counterfeiting costs our country hundreds of billion dollars a year. It has got a lot of harmful effects in our economy. Counterfeiting hurts businesses. They lose the right to profit from their innovation. Counterfeiting hurts workers, because counterfeiting undercuts honest competition, rewards illegal competitors. Counterfeiting hurts our -- counterfeiting hurts consumers, as fake products expose our people to serious health and safety risks. Counterfeiting hurts the government. We lose out on tax revenue. We have to use our resources for law -- of law enforcement to stop counterfeiting. Counterfeiting hurts national security, as terrorist networks use counterfeit sales to sometimes finance their operations.

This administration and Congress have worked together to confront the illegal threat, the real threat of illegal activity such as counterfeiting. And the bill I'm signing today is an important step forward.

The bill helps us defeat counterfeiting in two key ways. First, the bill strengthens our laws against trading counterfeit labels and packaging. In the past, the law prohibited the manufacturing, shipping, and -- or selling of

counterfeit goods, but it did not make it a crime to ship falsified labels or packaging, which counterfeits could then attach to fake products.

This loophole helped counterfeiters cheat consumers by passing off poorly-made items as brand-name goods. By closing the loophole, we're going to keep honest Americans from losing business to scam artists.

Secondly, the bill strengthens penalties for counterfeiters and gives prosecutors new tools to stop those who defraud American consumers. The bill requires courts to order the destruction of all counterfeit products seized as a part of a criminal investigation. The bill requires convicted counterfeiters to turn over their profits, as well as any equipment used in their operations, so it can't be used to cheat our people again. The bill requires those convicted of counterfeiting to reimburse the legitimate businesses they exploited. These common sense reforms will help law enforcement to crack down on this serious crime. We've got to get the counterfeiters and their products off the streets.

The tools in the bill I sign today will become a part of our broad effort to protect the creativity and innovation of our entrepreneurs. This administration is leading an initiative called STOP – Strategy Targeting Organized Piracy. Nine federal agencies are coming together in this initiative, including the Department of Justice, which has launched the most aggressive effort in American history to prevent intellectual property violations. We've expanded computer hacking and intellectual property units in U.S. Attorney's offices all across the country. We're posting specially trained prosecutors and FBI agents at American embassies in Asia and Eastern Europe. We're working with other nations and the World Trade Organization to promote strong intellectual property laws around the globe. We're cooperating with the private sector to raise awareness of counterfeiting so we can help stop fraud before it starts.

These efforts are getting some results. Last year, we dismantled a piracy ring in Massachusetts that was planning to sell more than 30,000 counterfeit hand bags and shoes and necklaces and other items.

With partners overseas, we broke up a prescription drug counterfeiting network, and seized more than \$4 million in phony medicine. With the help of 16 countries on five continents, we removed more than \$100 million of illegal online software, games, movies and music. This is a really important effort, and as we call upon folks to send a message to the counterfeiters, we're not going to tolerate your way of life, that we need to give them all the tools necessary to do their jobs. And this bill I'm going to sign here in 30 seconds does just that.

Again, I want to thank you all for being here to help honor these legislators that crossed the partisan divide to help protect this country from those who feel like they can sell illegal products and counterfeit and steal our – steal intellectual property. Good work. Thanks for coming. Now let's sign the bill. (Applause.)

(The bill is signed.) (Applause.)

END 3:15 P.M. EST

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**Return to this article at:**

<http://www.whitehouse.gov/news/releases/2006/03/20060316-7.html>



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**EXHIBIT 2**



**CHAMBERS OF  
JUDGE JOHN G. KOELTL  
UNITED STATES COURTHOUSE  
500 PEARL STREET  
NEW YORK, NEW YORK 10007**  
TEL. NUMBER: (212) 805-0222  
FAX NUMBER: (212) 805-7912

**FACSIMILE COVER SHEET**

DATE: March 4, 2008

TO: Robert Weigel, Esq. (212) 351-5236  
Michael Bondi, Esq. (612) 632-4309  
Magistrate Judge Eaton x 6181

RE: Gucci v. Myreplicahandbag.com, No. 07 Civ. 2438

FROM: JUDGE KOELTL'S CHAMBERS

There are 11 pages being transmitted, including this cover page.  
If there are any questions, please call 212-805-0222.

---

PLEASE NOTE: The information contained in this facsimile is intended only for the use of the individual(s) named above and others who have been specifically authorized to receive such. If the recipient is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify Chambers immediately by telephone at (212) 805-0222. Thank you.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GUCCI AMERICA, INC.; CHLOÉ SAS; and  
ALFRED DUNHILL LIMITED,

Plaintiffs,

-against-

MYREPLICAHANDBAG.COM; WHOLESALE-  
REPLICA.COM; REPLICA-WATCH-  
TOWN.COM; TRADERINASIA CONSULTING  
LLC; KELVIN CHO a/k/a KELVIN CHO YAW  
COON a/k/a "CHO YAW KOON"; ABC  
COMPANIES; and JOHN DOES,

Defendants.

07 Civ. 2438 (JGK)

~~PROPOSED~~  
JUDGMENT

WHEREAS, this action having been commenced on March 26, 2007 by the filing of the Summons and Complaint asserting that Defendants MyReplicaHandbag.com, Wholesale-Replica.com, Replica-Watch-Town.com, TraderinAsia Consulting LLC ("TraderinAsia"), and Kelvin Cho a/k/a Kelvin Cho Yaw Coon a/k/a "Cho Yaw Koon" ("Cho") and unidentified parties designated as "ABC Companies" and "John Does" (collectively "Defendants") have engaged in unlawful trademark counterfeiting, trademark infringement, trademark dilution, unfair competition and deception under federal and New York law through their unauthorized use of trademarks owned by Plaintiffs Gucci America, Inc. ("Gucci"), Chloé SAS ("Chloé") and Alfred Dunhill Limited ("Alfred Dunhill") (collectively "Plaintiffs"); *(the marks being defined as "Plaintiffs' Marks" and defined on Exhibit A hereto);*

WHEREAS, copies of the Summons and Complaint were served in compliance with the Court's order to show cause and temporary restraining order issued on March 26, 2007 (the "March 26 Order");

WHEREAS, a Notice of Compliance with Service Provisions of the March 26 Order was filed on April 17, 2007;

WHEREAS, Defendants MyReplicaHandbag.com, Wholesale-Replica.com, Replica-Watch-Town.com never appeared in this action;

WHEREAS, despite receiving three extensions of time, Defendants Cho and TraderinAsia never complied with the terms of the Court's Order to Show Cause;

WHEREAS, despite receiving four extensions of time, Defendants Cho and TraderinAsia never produced any documents responsive to any of Plaintiffs' discovery requests, as directed in the March 26 Order, April 19, 2007 stipulation and order, May 4 order on consent, and June 22, 2007 order denying Defendants' motion to dismiss and granting Plaintiffs' motion for a preliminary injunction;

WHEREAS, on July 10, 2007, the Court granted an unopposed motion by the counsel who had been representing Defendants Cho and TraderinAsia in this lawsuit to withdraw and simultaneously ordered that if Defendant TraderinAsia did not appear by new counsel by July 27, 2007, and Defendant Cho did not appear by new counsel or *pro se* by July 27, 2007, Plaintiffs could seek default judgment against them;

WHEREAS, Defendants did not appear by a new attorney or file notice that Mr. Cho would appear *pro se*;

WHEREAS, Plaintiffs' Complaint and papers submitted in support of Plaintiffs' application for a temporary restraining order and preliminary injunction made clear that Plaintiffs would seek the relief provided herein and monetary damages in excess of \$424 million;

WHEREAS, the Court ordered, in the March 26 Order and as continued in the June 22 preliminary injunction, that any money, stocks, bonds, real or personal property, or other assets of Defendants (collectively "Defendants' Assets") were enjoined from being transferred, disposed of, secreted, or otherwise made unavailable to provide final relief to Plaintiffs;

WHEREAS, the terms of the asset restraint provisions of the March 26 Order as continued in the June 22 preliminary injunction were made applicable to any banks, savings and loan associations, credit card companies, credit card processing agencies, or other financial institutions or agencies that engage in the transfer of real or personal property, and all persons acting in concert or in participation with any of the Defendants who are in possession of Defendants' Assets (collectively, "Defendants' Assets Holders");

WHEREAS, on August 23, 2007, Plaintiffs moved the Court to grant a default judgment against Defendants;

WHEREAS, Defendants did not oppose Plaintiffs' motion for a default judgment;

WHEREAS, at a hearing on September 7, 2007, the Court granted default judgment against Defendants and referred the case to Magistrate Judge Douglas F. Eaton to conduct an inquest into damages and to write a Report and Recommendation as to the amount of damages to be awarded against Defendants;

WHEREAS, Magistrate Judge Eaton issued a Report and Recommendation on January 25, 2007 recommending that: (1) Plaintiff Gucci America, Inc. be awarded \$3,600,000 against the Defendants, jointly and severally; (2) Plaintiff Chloé SAS be awarded \$400,000 against the Defendants, jointly and severally; (3) Plaintiff Alfred Dunhill Limited be awarded \$300,000 against the Defendants, jointly and severally; (4) a permanent injunction

against the defendants be granted enjoining them from using any of the plaintiffs' trademarks or copyrights; (5) as partial satisfaction of the monetary judgment, the Court should order that Defendants' Assets that were "frozen" pursuant to the March 26 Order and the June 22, 2007 Preliminary Injunction Order, as identified in Paragraphs 64-69 of Plaintiff's Inquest Memorandum, be transferred to Gibson, Dunn & Crutcher, LLP; and (6) the final judgment shall apply to Traderinasia Sdn. Bhd., as well as to the five defendants that were identified in the caption of the Complaint;

WHEREAS, no parties have filed objections to the January 25, 2007 Report and Recommendation; and

WHEREAS, the Court adopted Judge Magistrate Eaton's Report and Recommendation on February 25, 2008; it is

**ORDERED, ADJUDGED and DECREED:**

1. That this Judgment shall apply to Traderinasia Sdn. Bhd., as well as to the five Defendants that were identified in the caption of the Complaint.

2. That the injunctive terms of the March 26 Order and the June 22 preliminary injunction are hereby made permanent and incorporated into this Judgment, and Defendants, their officers, directors, agents, representatives, successors or assigns, and all persons acting in concert or in participation with any of them are permanently enjoined from:

- (a) manufacturing, distributing, delivering, shipping, importing, exporting, advertising, marketing, promoting, selling or otherwise offering for sale Counterfeit Products or any other products produced by Plaintiffs or confusingly similar to Plaintiffs' Products, or that otherwise bear, contain, display or utilize any of Plaintiffs'

Marks, any derivation or colorable imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks;

- (b) making or employing any other commercial use of Plaintiffs'

Marks, any derivation or colorable imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks;

- (c) using any other false designation of origin or false description or representation or any other thing calculated or likely to cause confusion or mistake in the mind of the trade or public or to deceive the trade or public into believing that Defendants' products or activities are in any way sponsored, licensed or authorized by or affiliated or connected with Plaintiffs; and

- (d) doing any other acts or things calculated or likely to cause confusion or mistake in the mind of the public or to lead purchasers or consumers or investors into the belief that the products or services promoted, offered or sponsored by Defendants come from Plaintiffs or their licensees, or are somehow licensed, sponsored, endorsed, or authorized by, or otherwise affiliated or connected with Plaintiffs; and

- (e) further diluting and infringing all Plaintiffs' Marks and damaging Plaintiffs' goodwill; and

- (f) otherwise competing unfairly with Plaintiffs or any of their authorized licensees in any manner; and
- (g) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in the above subparagraphs (a) through (f), or effecting any assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (a) through (f); and

3. That Defendants shall recall and remove from all stores, shops, markets, outlets, catalogues, websites or other channels of commerce any Counterfeit Products or any other products confusingly similar to Plaintiffs' Products, or that otherwise bear, contain display or utilize any of Plaintiffs' Marks, any derivation or colorable imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks, that are in Defendants' possession or control and all means of making the same;

4. That Defendants shall deliver up for destruction all Counterfeit Products or any other products confusingly similar to Plaintiffs' Products, or that otherwise bear, contain, display or utilize any of Plaintiffs' Marks, any derivation or colorable imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks, that are in Defendants' possession or control and all means of making the same, in accordance with 15 U.S.C. § 1118;

5. That Defendants shall deliver up for destruction any and all guarantees, circulars, price lists, labels, signs, prints, packages, wrappers, pouches, receptacles, advertising matter, promotional, and other materials in the possession or control of

Defendants bearing any of Plaintiffs' Marks, any derivation or colorable imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks, in accordance with 15 U.S.C. § 1118;

6. That in lieu of an award of actual damages and profits, pursuant to 15 U.S.C. § 1117(c), and attorneys' fees incurred herein as a result of Defendants' intentional and willful infringement, pursuant to 15 U.S.C. § 1117 and N.Y. Gen. Bus. Law § 349(h), Plaintiff Gucci America, Inc. is hereby awarded \$3,600,000 against the Defendants, jointly and severally; Plaintiff Chloé SAS is hereby awarded \$400,000 against the Defendants, jointly and severally; Plaintiff Alfred Dunhill Limited is hereby awarded \$300,000 against the Defendants, jointly and severally, for a total amount of \$4.3 million (collectively, the "Damages Award");

7. That in accordance with Rule 64 of the Federal Rules of Civil Procedure, 15 U.S.C. § 1116(a), and this Court's inherent equitable power to issue remedies ancillary to its authority to provide final relief, all Defendants' Asset Holders, as defined above, who receive notice of this order by personal service or otherwise are ordered to liquidate those Defendants' Assets and transfer the value of such Defendants' Assets to such accounts as may be specified by Defendants' counsel, Gibson, Dunn & Crutcher, LLP, in partial satisfaction of the Damages Award. This includes: (i) any and all funds identified by the Bank of China as associated with Defendants, including in Account No. 4766603-0188-121131-3 (Swift No. BKCHCNBJ400), as confirmed in a May 3, 2007 facsimile from counsel for Bank of China; (ii) any and all funds identified by ProPay USA, Inc. as associated with Defendants, including in Account No. 15099731811 as confirmed in an April 5, 2007 e-mail from legal counsel for ProPay USA, Inc.; (iii) any and all funds identified by Washington Mutual as associated with



Defendants, including in Account Nos. 32400006185462, 09700001139615, and 09700001139673, as confirmed in a May 11, 2007 facsimile by a levy processor for Washington Mutual; (iv) any and all funds identified by NetBank as associated with Defendants, including in Account Nos. 15099731811, 00099731810001, and 11003728315, as confirmed in a May 2, 2007 e-mail from corporate counsel for NetBank; (v) any and all funds identified by PayPal, Inc. as associated with Defendants, including in Account No. 1564451059339721163 in the name of "Yaw Koon Cho," Account No. 1507329365951233430 in the name of "Kelvin Cho," and Account No. 1866081263539776404 in the name of "Yaw Cho," as confirmed in letters dated March 29, 2007 and May 17, 2006 from an escalations specialist for PayPal, Inc.; and (vi) any and all funds identified by Commerce Payment as associated with Defendants, as confirmed in March 30, 2007 and April 2, 2007 e-mails from Commerce Payment.

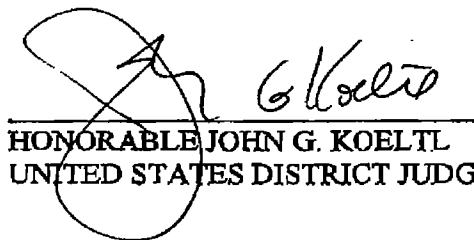
8. That the "IT IS FURTHER ORDERED" paragraph running from page 6 to page 7 of the March 26 Order, as confirmed by the June 22 preliminary injunction, is hereby made permanent as long as the Damages Award described above in Paragraph 6 remains unfulfilled, in accordance with Rule 64 of the Federal Rules of Civil Procedure, 15 U.S.C. § 1116(a), and this Court's inherent equitable power to issue remedies ancillary to its authority to provide final relief, such that in addition to the Defendants' Assets identified in Paragraph 7 above, any banks, savings and loan associations, credit card companies, credit card processing agencies, or other financial institutions or agencies that engage in the transfer of real or personal property, who receive actual notice of this Judgment by personal service or otherwise, are, without prior approval of the Court, temporarily restrained and enjoined from transferring, disposing of, or secreting any money, stocks, bonds, real or personal property, or

other assets of Defendants or otherwise paying or transferring any money, stocks, bonds, real or personal property, or other assets to any of the Defendants, or into or out of any accounts associated with or utilized by any of the Defendants. To the extent that such additional Defendants' Assets may be necessary to satisfy any remaining unpaid portion of the Damages Award, Defendants may apply to this Court for a further order compelling the liquidation and payment of additional funds necessary to satisfy this Court's Damages Award.

9. That the provision of this Court's March 26 Order requiring Plaintiffs to post a bond is hereby lifted, the bond issued in this matter on March 27, 2007 and filed with the Clerk of the Court on March 30, 2007 shall be and hereby is dissolved, and Plaintiffs need not post any further bond with the Clerk of the Court.





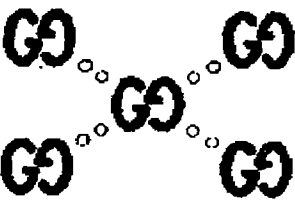
10. That the Clerk of the Court shall close this case and remove it from my docket. This Court, however, shall retain jurisdiction to: (a) issue such orders as may be necessary to enforce this Judgment or satisfy any remaining unpaid portion of this Court's Damages Award; (b) adjudicate any motion to find any of Defendants' Asset Holders in contempt of this Court's orders; or (c) reopen this matter in the event it is necessary to pursue sanctions for any violations of this Judgment.

IT IS SO ORDERED:


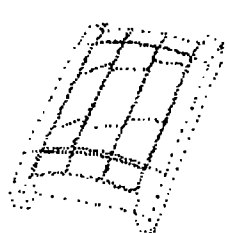
  
HONORABLE JOHN G. KOELTL  
UNITED STATES DISTRICT JUDGE

Dated: March 4, 2008

## EXHIBIT A

Mark	Reg./Serial No.	Date of Registration
GUCCI	876,292 959,338 972,078 1,168,477 1,321,864	09/09/59 5/22/73 10/30/73 09/08/81 02/26/85
NON-INTERLOCKING GG MONOGRAM 	1,106,722	11/21/78
GUCCI CREST 	1,112,601	02/06/79
GREEN-RED-GREEN STRIPE 	1,122,780 1,483,526	07/24/79 04/05/88
SQUARE G 	2,042,805	03/11/97
2,234,272	03/23/99	
REPEATING GG DESIGN 	3,072,549	03/28/06

Mark	Reg./Serial No.	Date of Registration
CHLOE	1,491,810 1,513,535 1,925,176 2,745,487 3,198,388	06/14/88 11/22/88 10/10/95 08/05/03 01/16/07
CHLOE IN STYLIZED FORM  <b>Chloë</b>	950,843 1,020,289 1,103,275 1,182,862 78,761,371	01/16/73 09/16/75 10/03/78 12/22/81 pending
PADDINGTON	78,863,562	pending
SILVERADO	78,863,566	pending

Mark	Reg./Serial No.	Date of Registration
DUNHILL	843,270 858,928 858,964 859,052 1,135,644 1,172,665	01/30/68 10/22/68 10/22/68 10/22/68 05/20/80 10/06/81
DUNHILL IN STYLIZED FORM  	527,207 540,389 881,310 1,555,840 1,734,900 1,799,883	07/04/50 04/03/51 11/25/69 09/12/89 11/24/92 10/19/93
FACET WATCH - ONE ASPECT  	2,852,116	06/08/04

**EXHIBIT 3**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GUCCI AMERICA, INC. and CHLOÉ SAS,

Plaintiffs,

-against-

HGL ENTERPRISES;  
EZDESIGNERREPLICAS.COM,  
DESIGNERREPLICAS.HIGHPOWERSITES.COM;  
HENRY LEIZGOLD a/k/a ENRIQUE GOSMAN  
LEIZGOLD; HERLINDA LEIZGOLD a/k/a LINDA  
LEIZGOLD a/k/a HERLINDA PASAPERA; ABC  
COMPANIES; and JOHN DOES,

Defendants.  
-----X

07 Civ. 5569 (RMB)

FINAL ORDER AND  
JUDGMENT ON CONSENT

WHEREAS, plaintiffs Gucci America, Inc. ("Gucci") and Chloé SAS ("Chloé") (collectively "Plaintiffs") commenced this action by the filing of a complaint on June 11, 2007 (the "Complaint") against defendants HGL Enterprises, EZDesignerReplicas.com, DesignerReplicas.HighPowerSites.com, Henry Leizgold a/k/a Enrique Gosman Leizgold, Herlinda Leizgold a/k/a Linda Leizgold a/k/a Herlinda Pasapera, ABC Companies, and John Does (collectively "Defendants"), alleging, *inter alia*, that Defendants are manufacturing, importing, exporting, distributing, marketing, advertising, offering for sale and/or selling goods bearing counterfeit reproductions of Plaintiffs' federally-registered trademarks, trade names and/or logos; and

WHEREAS, this Court issued a Temporary Restraining Order and Order to Show Cause on June 12, 2007 (the "June 12 Order") applicable to all Defendants setting forth certain specified injunctive relief, providing for expedited discovery, and setting forth a

schedule for Plaintiffs' application to convert the Temporary Restraining Order into a preliminary injunction; and

WHEREAS, Plaintiffs have filed with the Clerk of the Court proofs of service of process; and

WHEREAS, counsel for HGL Enterprises, EZDesignerReplicas.com, DesignerReplicas.HighPowerSites.com, Henry Leizgold, and Herlinda Leizgold (the "Named Defendants") has appeared in this matter but not filed any opposition to the order to show cause why a preliminary injunction should not issue, as set forth in the June 12 Order or answered the Complaint in any way; and

WHEREAS, for the purposes of this Final Order and Judgment on Consent, "Plaintiffs' Marks" is defined to include all Plaintiffs' trademarks, trade names, logos, and other source-indicating indicia, as set forth in Plaintiffs' Complaint in this action; and

WHEREAS, for the purposes of this Final Order and Judgment on Consent, "Counterfeit Products" is defined to include all goods or services, including but not limited to handbags, wallets, and other luxury products, that make or made use of any of Plaintiffs' Marks without Plaintiffs' authorization or permission; and

WHEREAS, the Named Defendants hereby agree that: (a) they will no longer operate any of the websites at issue, and Plaintiffs confirm that the websites at issue have been rendered non-operational; (b) the Named Defendants will not be involved in any additional sales of Counterfeit Products or any other goods or services that make use of Plaintiffs' Marks; (c) all banks and other Financial Institutions (as the term is defined below) that maintain accounts, letters of credit, or other assets for or payable to the Named Defendants have the express permission of the Named Defendants to comply with this Court's orders and

discovery powers; and (d) the Named Defendants will provide to Plaintiffs all information and documents in their possession, custody, control, or means of obtaining through reasonable, good faith efforts concerning all sources of Counterfeit Products and the identities and activities of anyone who may have materially contributed to sales of Counterfeit Products whether through the websites named in the Complaint or otherwise; and

WHEREAS, the Named Defendants have consented to the issuance of a Final Order and Judgment as set forth below:

1. THEREFORE, IT IS HEREBY ORDERED that Defendants, including Defendants HGL Enterprises, EZDesignerReplicas.com, DesignerReplicas.HighPowerSites.com, Henry Leizgold a/k/a Enrique Gosman Leizgold, Herlinda Leizgold a/k/a Linda Leizgold a/k/a Herlinda Pasapera, are immediately PERMANENTLY ENJOINED AND RESTRAINED from:

- (a) manufacturing, distributing, delivering, shipping, importing, exporting, advertising, marketing, promoting, selling or otherwise offering for sale Counterfeit Products or any other products produced by Plaintiffs or confusingly similar to Plaintiffs' Products, or that otherwise bear, contain, display or utilize any of Plaintiffs' Marks, any derivation or colorable imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks;
- (b) making or employing any other commercial use of Plaintiffs' Marks, any derivation or colorable imitation thereof, or any mark



confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks;

- (c) using any other false designation of origin or false description or representation or any other thing calculated or likely to cause confusion or mistake in the mind of the trade or public or to deceive the trade or public into believing that Defendants' products or activities are in any way sponsored, licensed or authorized by or affiliated or connected with Plaintiffs; and
- (d) doing any other acts or things calculated or likely to cause confusion or mistake in the mind of the public or to lead purchasers or consumers or investors into the belief that the products or services promoted, offered or sponsored by Defendants come from Plaintiffs or their licensees, or are somehow licensed, sponsored, endorsed, or authorized by, or otherwise affiliated or connected with Plaintiffs; and
- (e) further diluting and infringing all Plaintiffs' Marks and damaging Plaintiffs' goodwill; and
- (f) otherwise competing unfairly with Plaintiffs or any of their authorized licensees in any manner; and
- (g) moving, returning, or otherwise disposing of, in any manner, any Counterfeit Products or any other products confusingly similar to Plaintiffs' Products, or that otherwise bear, contain, display, or utilize any of Plaintiffs' Marks, any derivation or colorable

imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks; and

- (h) secreting, destroying, altering, removing, or otherwise dealing with the unauthorized products or any books or records which contain any information relating to the importing, manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, renting, or displaying of all unauthorized products which infringe Plaintiffs' Trademarks
- (i) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in the above subparagraphs (a) through (h), or effecting any assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (a) through (h).

2. IT IS FURTHER ORDERED that Defendants HGL Enterprises, EZDesignerReplicas.com, DesignerReplicas.HighPowerSites.com, and Henry Leizgold (collectively, the "Monetary Judgment Defendants") shall pay Plaintiffs a judgment in the amount of \$2 million in satisfaction of the claims made against them in this matter and as compensation for the injuries that their activities have caused to Plaintiffs, inclusive of costs.

3. IT IS FURTHER ORDERED that in accordance with 15 U.S.C. § 1116(a) and this Court's inherent equitable power to provide final equitable relief, and the express consent granted herein by the Monetary Judgment Defendants, the following financial institutions (collectively "Financial Institutions") who receive actual notice of this order are, without

prior approval of the Court, directed to liquidate and provide to Plaintiffs all assets due and owing to the Monetary Judgment Defendants or any other entities acting in concert or participation with the Monetary Judgment Defendants: (i) any and all Bank of America accounts that are associated with or utilized by any of the Monetary Judgment Defendants; (ii) any and all Washington Mutual accounts that are associated with or utilized by any of the Monetary Judgment Defendants, including but not limited to Account Nos. 1962267233, 0971897867, 009700001897867; 0940928255, and 009400000928255; (iii) Wells Fargo Bank Account Nos. 0761014877, 0745537456, and 2012554432 but not Account No. 6467206741; and (iv) any and all PayPal accounts that are associated with or utilized by any of the Monetary Judgment Defendants, including but not limited to accounts associated with the following e-mail addresses: p5115@swbell.net; hglenterprises@hotmail.com; h2483@hotmail.com; enriqueleizgold@yahoo.com; hgl@yahoo.com; MOTHERLODE52@YAHOO.COM; framestarl@hotmail.com; lordhenry9@yahoo.com; and leizgold@swbell.net.

4. IT IS FURTHER ORDERED that the provision of this Court's June 12, 2007 Order requiring Plaintiffs to post a bond is hereby lifted, the bond issued in this matter on June 12, 2007 and filed with the Clerk of the Court on June 14, 2007 shall be and hereby is dissolved, and Plaintiffs need not post any further bond with the Clerk of the Court.

5. IT IS FURTHER ORDERED that this lawsuit is dismissed with prejudice as to Defendants HGL Enterprises, Henry Leizgold, EZDesignerReplicas.com, and DesignerReplicas.HighPowerSites.com, and dismissed without prejudice as to Defendant Herlinda Leizgold.

Nov 26 2007 7:16PM

KatzFaxKatzLaw

2122083060

P.5

6. IT IS FURTHER ORDERED that this Court shall retain jurisdiction to enforce any violation of this Final Order and Judgment on Consent.

Dated: New York, New York  
November 28, 2007

GUCCI AMERICA, INC. and CILLOÉ SAS,

By Howard S. Hogan

Robert Weigel (RW 0163)

Howard S. Hogan (HH 7995)

GIBSON, DUNN & CRUTCHER LLP

200 Park Avenue

New York, New York 10166

Telephone: (212) 351-4000

Dated: New York, New York  
November 28, 2007

HKIL ENTERPRISES,

RZDESIGNERREPLICAS.COM,

HENRY LEIZGOLD and HERLINDA LEIZGOLD

By Bruce D. Katz

For and on behalf of

LAW OFFICES OF BRUCE KATZ

225 Broadway

New York, New York 10007

Telephone: (212) 233-3434

By Herlinda Leizgold

Herlinda Leizgold

10051 Westpark Drive, Suite 273

Houston, Texas 77042

Telephone: (713) 785-7551

IT IS SO ORDERED:

HONORABLE RICHARD M. BERMAN  
UNITED STATES DISTRICT JUDGE

Dated: 11-26 2007

**EXHIBIT 4**

Case 1:07-cv-02438-JGK  
Robert Weigel (RW-0163)  
Howard S. Hogan (H11 7995)  
GIBSON, DUNN & CRUTCHER, LLP  
200 Park Avenue  
New York, New York 10166  
(212) 351-4000

Document 8-4

ELECTRONICALLY FILED

Page 1 of 10

DOC #:

DATE FILED:

3/27/07

*Attorneys for Plaintiffs Gucci America, Inc.,  
Chloé SAS, and Alfred Dunhill Limited*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GUCCI AMERICA, INC.; CHLOÉ SAS; and  
ALFRED DUNHILL LIMITED,

Plaintiffs,

-against-

MYREPLICAHANDBAG.COM; WHOLESALE-  
REPLICA.COM; REPLICA-WATCH-  
TOWN.COM; TRADERINASIA CONSULTING  
LLC; KELVIN CHO a/k/a KELVIN CHO YAW  
COON a/k/a "CHO YAW KOON"; ABC  
COMPANIES; and JOHN DOES,

Defendants

07 Civ. 2438 (JGK)

[PROPOSED]  
TEMPORARY RESTRAINING ORDER  
AND ORDER TO SHOW CAUSE

Plaintiffs Gucci America, Inc. ("Gucci"), Chloé SAS ("Chloé") and Alfred Dunhill Limited ("Alfred Dunhill") (collectively "Plaintiffs"), having moved ex parte against Defendants Myreplicahandbag.com, Wholesale-replica.com, Replica-Watch-Town.com, Traderinasia Consulting LLC, Kelvin Cho a/k/a Kelvin Cho Yaw Coon a/k/a "Cho Yaw Koon," ABC Companies, and John Does (collectively "Defendants"), for a temporary restraining order, asset restraining order, expedited discovery order and order to show cause for preliminary injunction pursuant to Federal Rule of Civil Procedure 65 and the Lanham Act (15 U.S.C. § 1051, *et seq.*), as amended by the Trademark Counterfeiting Act of 1984, Public Law 98-473 (the "Lanham

Case 1:07-cv-02438-JGK Document 3 Filed 03/27/2007 Page 2 of 10  
Act”), for the reason that Defendants are manufacturing, importing, exporting distributing,

marketing, advertising, offering for sale and/or selling goods bearing counterfeit reproductions of Plaintiffs’ federally registered trademarks, trade names and/or logos as set forth in Plaintiffs’ Complaint in this action (collectively “Plaintiffs’ Marks”), which are owned and controlled by Plaintiffs, and the Court, having reviewed the Complaint, Memorandum of Law, supporting Declarations and exhibits submitted therewith, finds:

1. Plaintiffs are likely to succeed in showing that Defendants have used and are continuing to use counterfeits or infringements of Plaintiffs’ Marks in connection with the manufacture, exportation, importation, distribution, marketing, advertising, offer for sale and/or sale of products, including but not limited to handbags, wallets, and watches (collectively, the “Counterfeit Products”);

2. The manufacturing, importing, exporting, distributing, marketing, advertising, offering for sale and/or selling of the Counterfeit Products will result in immediate and irreparable injury to Plaintiffs if the relief requested is not ordered;

3. Defendants, or other persons acting in concert with Defendants, would likely destroy, move, hide or otherwise make assets, Counterfeit Products and business records relating thereto inaccessible to the Court if Plaintiffs proceeded on notice to Defendants, thus frustrating the ultimate relief that Plaintiffs seek in this action;

4. The harm to Plaintiffs from denial of the requested ex parte order outweighs the harm to Defendants’ legitimate interests against granting such an order;

8. Entry of an order other than an ex parte seizure order would not adequately achieve the purposes of the Lanham Act to preserve Plaintiffs’ remedies for trademark counterfeiting, including, *inter alia*, cessation of all sales of the Counterfeit Products, the

Case 1:07-cv-02438-JGK Document 3 Filed 03/27/2007 Page 3 of 10.  
acquisition of the business records relating to the Counterfeit Products, and an award to Plaintiffs

of lost profits or damages.

THEREFORE, IT IS HEREBY ORDERED that Defendants, including Myreplicahandbag.com, Wholesale-replica.com, Replica-Watch-Town.com, Traderinasia Consulting LLC, Kelvin Cho a/k/a Kelvin Cho Yaw Coon a/k/a "Cho Yaw Koon," and any John Doe or ABC Company defendants who receive notice of this Order, appear to show cause on the 17 day of April 2007 at 10 a.m. am or as soon thereafter as counsel can be heard, in Courtroom 265 of the United States District Court for the Southern District of New York at 500 Pearl Street / 40 Centre Street, New York, New York why an Order pursuant to Rule 65 of the Federal Rules of Civil Procedure 65 and Section 34 of the Lanham Act should not be entered granting Plaintiffs a preliminary injunction as follows:

1. Restraining and enjoining Defendants, their officers, directors, agents, representatives, successors or assigns, and all persons acting in concert or in participation with any of them from:
  - (a) manufacturing, distributing, delivering, shipping, importing, exporting, advertising, marketing, promoting, selling or otherwise offering for sale Counterfeit Products or any other products produced by Plaintiffs or confusingly similar to Plaintiffs' Products, or that otherwise bear, contain, display or utilize any of Plaintiffs' Marks, any derivation or colorable imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks;



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(b) making or employing any other commercial use of Plaintiffs' Marks,

any derivation or colorable imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks;

- (c) using any other false designation of origin or false description or representation or any other thing calculated or likely to cause confusion or mistake in the mind of the trade or public or to deceive the trade or public into believing that Defendants' products or activities are in any way sponsored, licensed or authorized by or affiliated or connected with Plaintiffs; and
- (d) doing any other acts or things calculated or likely to cause confusion or mistake in the mind of the public or to lead purchasers or consumers or investors into the belief that the products or services promoted, offered or sponsored by Defendants come from Plaintiffs or their licensees, or are somehow licensed, sponsored, endorsed, or authorized by, or otherwise affiliated or connected with Plaintiffs; and
- (e) further diluting and infringing all Plaintiffs' Marks and damaging Plaintiffs' goodwill; and
- (f) otherwise competing unfairly with Plaintiffs or any of their authorized licensees in any manner; and
- (g) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in the above subparagraphs (a) through (f), or effecting any assignments or transfers, forming new entities or associations or utilizing any other

Case 1:07-cv-02438-JGK Document 3 Filed 03/27/2007 Page 5 of 10  
device for the purpose of circumventing or otherwise avoiding the

prohibitions set forth in subparagraphs (a) through (f).

IT APPEARING to the Court that Defendants are manufacturing, exporting, importing, distributing, marketing, advertising, offering for sale and/or selling the Counterfeit Products, and will continue to carry out such acts unless restrained by Order of the Court:

IT IS FURTHER ORDERED, that pending the hearing on Plaintiffs' application for a preliminary injunction, Defendants, including Myreplicahandbag.com, Wholesale-replica.com, Replica-Watch-Town.com, Traderinasia Consulting LLC, Kelvin Cho a/k/a Kelvin Cho Yaw Coon a/k/a "Cho Yaw Koon," and any John Doe or ABC Company defendants who receive notice of this Order, and their officers, directors, agents, representatives, successors or assigns, and all persons acting in concert or in participation with any of them, or having knowledge of this Order by personal service or otherwise be, and they are, hereby temporarily restrained from:

- (a) committing any of the acts set forth in subparagraph (l)(a)-(g) above; and
- (b) moving, returning or otherwise disposing of, in any manner, any Counterfeit Products or any other products confusingly similar to Plaintiffs' Products, or that otherwise bear, contain, display or utilize any of Plaintiffs' Marks, any derivation or colorable imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks; and
- (c) secreting, destroying, altering, removing, or otherwise dealing with the unauthorized products or any books or records which contain any information relating to the importing, manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising,

Case 1:07-cv-02438-JGK Document 3 Filed 03/27/2007 Page 6 of 10  
promoting, renting or displaying of all unauthorized products which

infringe Plaintiff's Trademarks

IT IS FURTHER ORDERED, that the Temporary Restraining Order shall remain in effect until the date for hearing on the Order to Show Cause set forth above, or such further dates as set by the Court; and

IT IS FURTHER ORDERED, that in accordance with Rule 64 of the Federal Rules of Civil Procedure, 15 U.S.C. § 1116(a) and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, Defendants and their officers, directors, agents, representatives, successors or assigns, and all persons acting in concert or in participation with any of them, and any banks, savings and loan associations, credit card companies, credit card processing agencies, or other financial institutions or agencies that engage in the transfer of real or personal property, who receive actual notice of this order by personal service or otherwise, are, without prior approval of the Court, temporarily restrained and enjoined from transferring, disposing of, or secreting any money, stocks, bonds, real or personal property, or other assets of Defendants or otherwise paying or transferring any money, stocks, bonds, real or personal property, or other assets to any of the Defendants, or into or out of any accounts associated with or utilized by any of the Defendants. This includes but is not limited to: (i) any and all Bank of China accounts that are associated with or utilized by any of Defendants, including but not limited to Account No. 4766603-0188-121131-3 (Swift No. BKCHCNBJ400) in the name of "Cho Yaw Koon"; (ii) any and all accounts of ProPay USA, Inc., 500 Timpanogos Parkway Building, Orem, Utah. 84097 that are associated with or utilized by any of Defendants, including but not limited to those associated with the designations "Kelvin@traderinasia," kelvincho@gmail.com, and/or "000188057 Specialty Retail Store"; and

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(iii) any and all Discover card payment accounts that are associated with or utilized by any of Defendants, including but not limited to those associated with the designation KELVINCHO GMAIL.COM BRADENTON, FL; (iv) any and all MasterCard, Visa, and/or American Express card payment accounts that are associated with or utilized by any of Defendants; (v) any and all accounts maintained by Enets-commercepayment.com, Network for Electronic Transfers (Singapore) Pte Ltd. (d/b/a eNets), Commerce Payment Sdn Bhd., Maltuzi LLC, Oversee.net, Cybermesa, and/or any other entities working in concert or participation with these entities in connection with any accounts that are associated with or utilized by any of Defendants, including but not limited to those associated with the reference numbers SGP06217 and SGP06189; (vi) any and all accounts of PayPal, Inc., 221 I North First Street, San Jose, California 95131, that are associated with or utilized by any of Defendants; and (vii) any and all accounts of Inner Esteem Sdn Bhd. (d/b/a SuperCorridor.com), that are associated with or utilized by any of Defendants.

IT IS FURTHER ORDERED, that upon two (2) days written notice to the Court and Plaintiffs' counsel, any Defendant may appear and move for the dissolution or modification of the provisions of this Order concerning the restriction upon transfer of Defendants' assets upon an appropriate evidentiary showing by Defendant; and

IT IS FURTHER ORDERED, that Plaintiffs shall post a corporate surety bond, cash or a certified or attorney's check in the amount of ten thousand dollars (\$10,000) as security, determined adequate for the payment of such damages as any person may be entitled to recover as a result of a wrongful restraint hereunder; and

IT IS FURTHER ORDERED, that sufficient cause having been shown, service of this Order together with the Summons and Complaint, shall be made on Defendants and deemed effective as to all named Defendants if it is completed by all of the following means:

Case 1:07-cv-02438-JGK Document 3 Filed 03/27/2007 Page 8 of 10  
(a) by hand delivery care of Traderinasia Consulting LLC at 60th PL, Suite M1049,

Bradenton, Florida 34203;

(b) by certified express registered mail (international or through the United States Postal Service, as appropriate), return receipt requested to each of the following addresses: (i) Kelvin Cho, Traderinasia Consulting LLC, 0908, Blok Mawar, Rawang, 48000, Malaysia; and (ii) Kelvin Cho, Traderinasia Consulting LLC, Suite 603, Level 6, Menara Pelangi, Taman Pelangi, 80400 Johor Bahru, Johor, Malaysia, *and*

(c) by delivery of Adobe PDF copies of this Order together with the Summons and Complaint to the following e-mail addresses: kelvincho@gmail.com, kelvin@traderinasia.com, sales@myreplicahandbag.com, Fiona@traderinasia.com, lucy@traderinasia.com, sales@wholesale-replica.com, reseller@replica-watch-town.com, sales@replica-watch-town.com, and sales@dr-replica.com.

*on or before April 5, 2007*

IT IS FURTHER ORDERED, that such service shall be made ~~within ten (10)~~ days from the date of this Order, except as to John Doe or ABC Company defendants who may be later identified, or at such time as may be extended by this Court; and

IT IS FURTHER ORDERED, that Defendants' answering papers, if any, shall be filed with the Clerk of this Court and served upon the attorneys for Plaintiffs by delivering copies thereof to the offices of Gibson, Dunn & Crutcher LLP, 200 Park Avenue, New York, NY 10166-0193, Attention: Robert Weigel, Esq., by no later than *April 11, 2007* with any reply by Plaintiffs to be filed and served by *April 16, 2007*; and

IT IS FURTHER ORDERED that Plaintiffs' motion for expedited discovery is granted, as to all Defendants; that Plaintiffs shall serve with this order requests for disclosures pursuant to Fed. R. Civ. P. 26 and 34 in the form appended hereto as Attachment A, to be answered ~~within~~

*on or before 17, 2007*

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~~business days of service, and thereafter, to take depositions of the persons responsible for~~  
~~Defendants' business and that such discovery shall be completed on or before the \_\_\_ day of~~  
~~\_\_\_\_\_, 2007, and~~

IT IS FURTHER ORDERED, that any banks, savings and loan associations, credit card companies, credit card processing agencies, or other financial institutions or agencies that engage in the transfer of real or personal property, who receive actual notice of this order by personal service or otherwise, shall provide to Plaintiffs all records in their possession, custody, or control, concerning any and all assets of Defendants or any other entities acting in concert or participation with Defendants, including but not limited to records concerning the following accounts: (i) any and all Bank of China accounts that are associated with or utilized by any of Defendants, including but not limited to Account No. 4766603-0188-121131-3 (Swift No. BKCHCNBJ400) in the name of "Cho Yaw Koon"; (ii) any and all accounts of ProPay USA, Inc., 500 Timpanogos Parkway Building, Orem, Utah, 84097 that are associated with or utilized by any of Defendants, including but not limited to those associated with the designations "Kelvin@traderinasia," kelvincho@gmail.com, and/or "000188057 Specialty Retail Store"; and (iii) any and all Discover card payment accounts that are associated with or utilized by any of Defendants, including but not limited to those associated with the designation KELVINCHO GMAIL.COM BRADENTON, FL; (iv) any and all MasterCard, Visa, and/or American Express card payment accounts that are associated with or utilized by any of Defendants; (v) any and all accounts maintained by Enets-commercepayment.com, Network for Electronic Transfers (Singapore) Pte Ltd. (d/b/a eNets), Commerce Payment Sdn Bhd., Maltuzi LLC, Oversee.net, Cybermesa, and/or any other entities working in concert or participation with these entities in connection with any accounts that are associated with or utilized by any of Defendants, including

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 but not limited to those associated with the reference numbers SGP06217 and SGP06189, (vi)

any and all accounts of PayPal, Inc., 2211 North First Street, San Jose, California 95131, that are associated with or utilized by any of Defendants; and (vii) any and all accounts of Inner Esteem Sdn Bhd. (d/b/a SuperCorridor.com), that are associated with or utilized by any of Defendants; and that such records be produced within five (5) business days of receiving actual notice of this order unless such banks, savings and loan associations or other financial institutions, or agencies that engage in the transfer of real or personal property first apply to this Court for relief from the terms of this paragraph; and

IT IS FURTHER ORDERED, that Defendants are hereby given notice that failure to attend the hearing scheduled herein may result in confirmation of the relief provided herein, immediate issuance of the requested preliminary injunction to take effect immediately upon expiration or dissolution of the within temporary restraining order, and: may otherwise extend for the pendency of this litigation upon the same terms and conditions as comprise this temporary restraining order. Defendants are hereby given further notice that they may deemed to have actual notice of the issuance and terms of such preliminary injunction and any act by them or anyone of them in violation of any of the terms thereof may be considered and prosecuted as contempt of this Court.

IT IS SO ORDERED.

✓ DATED this 26 day of March, 2007

✓ Hour: 4:59 am/p.m.

UNITED STATES DISTRICT COURT

By: David B. [Signature]

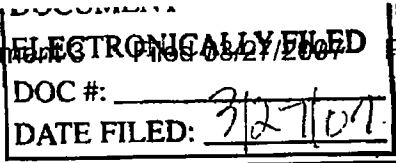
UNITED STATES DISTRICT JUDGE

**EXHIBIT 4**



Case 1:07-cv-02438-JGK  
 Robert Weigel (RW-0163)  
 Howard S. Hogan (HH-7995)  
 GIBSON, DUNN & CRUTCHER, LLP  
 200 Park Avenue  
 New York, New York 10166  
 (212) 351-4000

Document 8-5



Page 1 of 10

*Attorneys for Plaintiffs Gucci America, Inc.,  
 Chloé SAS, and Alfred Dunhill Limited*

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

GUCCI AMERICA, INC.; CHLOÉ SAS; and  
 ALFRED DUNHILL LIMITED,

Plaintiffs.

-against-

MYREPLICAHANDBAG.COM; WHOLESALE-  
 REPLICA.COM; REPLICA-WATCH-  
 TOWN.COM; TRADERINASIA CONSULTING  
 LLC; KELVIN CHO a/k/a KELVIN CHO YAW  
 COON a/k/a "CHO YAW KOON"; ABC  
 COMPANIES; and JOHN DOES,

Defendants

07 Civ. 2438 (JGK)

[PROPOSED]  
 TEMPORARY RESTRAINING ORDER  
 AND ORDER TO SHOW CAUSE

Plaintiffs Gucci America, Inc. ("Gucci"), Chloé SAS ("Chloé") and Alfred Dunhill Limited ("Alfred Dunhill") (collectively "Plaintiffs"), having moved ex parte against Defendants Myreplicahandbag.com, Wholesale-replica.com, Replica-Watch-Town.com, Traderinasia Consulting LLC, Kelvin Cho a/k/a Kelvin Cho Yaw Coon a/k/a "Cho Yaw Koon," ABC Companies, and John Does (collectively "Defendants"), for a temporary restraining order, asset restraining order, expedited discovery order and order to show cause for preliminary injunction pursuant to Federal Rule of Civil Procedure 65 and the Lanham Act (15 U.S.C. § 1051, *et seq.*), as amended by the Trademark Counterfeiting Act of 1984, Public Law 98-473 (the "Lanham

Case 1:07-cv-02438-JGK Document 3 Filed 03/27/2007 Page 2 of 10  
Act”), for the reason that Defendants are manufacturing, importing, exporting distributing,

marketing, advertising, offering for sale and/or selling goods bearing counterfeit reproductions of Plaintiffs’ federally registered trademarks, trade names and/or logos as set forth in Plaintiffs’ Complaint in this action (collectively “Plaintiffs’ Marks”), which are owned and controlled by Plaintiffs, and the Court, having reviewed the Complaint, Memorandum of Law, supporting Declarations and exhibits submitted therewith, finds:

1. Plaintiffs are likely to succeed in showing that Defendants have used and are continuing to use counterfeits or infringements of Plaintiffs’ Marks in connection with the manufacture, exportation, importation, distribution, marketing, advertising, offer for sale and/or sale of products, including but not limited to handbags, wallets, and watches (collectively, the “Counterfeit Products”);

2. The manufacturing, importing, exporting, distributing, marketing, advertising, offering for sale and/or selling of the Counterfeit Products will result in immediate and irreparable injury to Plaintiffs if the relief requested is not ordered;

3. Defendants, or other persons acting in concert with Defendants, would likely destroy, move, hide or otherwise make assets, Counterfeit Products and business records relating thereto inaccessible to the Court if Plaintiffs proceeded on notice to Defendants, thus frustrating the ultimate relief that Plaintiffs seek in this action;

4. The harm to Plaintiffs from denial of the requested ex parte order outweighs the harm to Defendants’ legitimate interests against granting such an order;

8. Entry of an order other than an ex parte seizure order would not adequately achieve the purposes of the Lanham Act to preserve Plaintiffs’ remedies for trademark counterfeiting, including, *inter alia*, cessation of all sales of the Counterfeit Products, the

Case 1:07-cv-02438-JGK Document 3 Filed 03/27/2007 Page 3 of 10.  
acquisition of the business records relating to the Counterfeit Products, and an award to Plaintiffs

of lost profits or damages.

THEREFORE, IT IS HEREBY ORDERED that Defendants, including Myreplicahandbag.com, Wholesale-replica.com, Replica-Watch-Town.com, Traderinasia Consulting LLC, Kelvin Cho a/k/a Kelvin Cho Yaw Coon a/k/a "Cho Yaw Koon," and any John Doe or ABC Company defendants who receive notice of this Order, appear to show cause on the 17 day of April 2007 at 10 a.m. am or as soon thereafter as counsel can be heard, in Courtroom 265 of the United States District Court for the Southern District of New York at 500 Pearl Street / 40 Centre Street, New York, New York why an Order pursuant to Rule 65 of the Federal Rules of Civil Procedure 65 and Section 34 of the Lanham Act should not be entered granting Plaintiffs a preliminary injunction as follows:

1. Restraining and enjoining Defendants, their officers, directors, agents, representatives, successors or assigns, and all persons acting in concert or in participation with any of them from:
  - (a) manufacturing, distributing, delivering, shipping, importing, exporting, advertising, marketing, promoting, selling or otherwise offering for sale Counterfeit Products or any other products produced by Plaintiffs or confusingly similar to Plaintiffs' Products, or that otherwise bear, contain, display or utilize any of Plaintiffs' Marks, any derivation or colorable imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks;

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(b) making or employing any other commercial use of Plaintiffs' Marks,

any derivation or colorable imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks;

- (c) using any other false designation of origin or false description or representation or any other thing calculated or likely to cause confusion or mistake in the mind of the trade or public or to deceive the trade or public into believing that Defendants' products or activities are in any way sponsored, licensed or authorized by or affiliated or connected with Plaintiffs; and
- (d) doing any other acts or things calculated or likely to cause confusion or mistake in the mind of the public or to lead purchasers or consumers or investors into the belief that the products or services promoted, offered or sponsored by Defendants come from Plaintiffs or their licensees, or are somehow licensed, sponsored, endorsed, or authorized by, or otherwise affiliated or connected with Plaintiffs; and
- (e) further diluting and infringing all Plaintiffs' Marks and damaging Plaintiffs' goodwill; and
- (f) otherwise competing unfairly with Plaintiffs or any of their authorized licensees in any manner; and
- (g) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in the above subparagraphs (a) through (f), or effecting any assignments or transfers, forming new entities or associations or utilizing any other

Case 1:07-cv-02438-JGK Document 3 Filed 03/27/2007 Page 5 of 10  
device for the purpose of circumventing or otherwise avoiding the

prohibitions set forth in subparagraphs (a) through (f).

IT APPEARING to the Court that Defendants are manufacturing, exporting, importing, distributing, marketing, advertising, offering for sale and/or selling the Counterfeit Products, and will continue to carry out such acts unless restrained by Order of the Court:

IT IS FURTHER ORDERED, that pending the hearing on Plaintiffs' application for a preliminary injunction, Defendants, including Myreplicahandbag.com, Wholesale-replica.com, Replica-Watch-Town.com, Traderinasia Consulting LLC, Kelvin Cho a/k/a Kelvin Cho Yaw Coon a/k/a "Cho Yaw Koon," and any John Doe or ABC Company defendants who receive notice of this Order, and their officers, directors, agents, representatives, successors or assigns, and all persons acting in concert or in participation with any of them, or having knowledge of this Order by personal service or otherwise be, and they are, hereby temporarily restrained from:

- (a) committing any of the acts set forth in subparagraph (l)(a)-(g) above; and
- (b) moving, returning or otherwise disposing of, in any manner, any Counterfeit Products or any other products confusingly similar to Plaintiffs' Products, or that otherwise bear, contain, display or utilize any of Plaintiffs' Marks, any derivation or colorable imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks; and
- (c) secreting, destroying, altering, removing, or otherwise dealing with the unauthorized products or any books or records which contain any information relating to the importing, manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising,

Case 1:07-cv-02438-JGK Document 3 Filed 03/27/2007 Page 6 of 10  
promoting, renting or displaying of all unauthorized products which

infringe Plaintiff's Trademarks

IT IS FURTHER ORDERED, that the Temporary Restraining Order shall remain in effect until the date for hearing on the Order to Show Cause set forth above, or such further dates as set by the Court; and

IT IS FURTHER ORDERED, that in accordance with Rule 64 of the Federal Rules of Civil Procedure, 15 U.S.C. § 1116(a) and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, Defendants and their officers, directors, agents, representatives, successors or assigns, and all persons acting in concert or in participation with any of them, and any banks, savings and loan associations, credit card companies, credit card processing agencies, or other financial institutions or agencies that engage in the transfer of real or personal property, who receive actual notice of this order by personal service or otherwise, are, without prior approval of the Court, temporarily restrained and enjoined from transferring, disposing of, or secreting any money, stocks, bonds, real or personal property, or other assets of Defendants or otherwise paying or transferring any money, stocks, bonds, real or personal property, or other assets to any of the Defendants, or into or out of any accounts associated with or utilized by any of the Defendants. This includes but is not limited to: (i) any and all Bank of China accounts that are associated with or utilized by any of Defendants, including but not limited to Account No. 4766603-0188-121131-3 (Swift No. BKCHCNBJ400) in the name of "Cho Yaw Koon"; (ii) any and all accounts of ProPay USA, Inc., 500 Timpanogos Parkway Building, Orem, Utah. 84097 that are associated with or utilized by any of Defendants, including but not limited to those associated with the designations "Kelvin@traderinasia," kelvincho@gmail.com, and/or "000188057 Specialty Retail Store"; and

Case 1:07-cv-02438-JGK Document 3 Filed 03/27/2007 Page 7 of 10  
(iii) any and all Discover card payment accounts that are associated with or utilized by any of Defendants, including but not limited to those associated with the designation KELVINCHO GMAIL.COM BRADENTON, FL; (iv) any and all MasterCard, Visa, and/or American Express card payment accounts that are associated with or utilized by any of Defendants; (v) any and all accounts maintained by Enets-commercepayment.com, Network for Electronic Transfers (Singapore) Pte Ltd. (d/b/a eNets), Commerce Payment Sdn Bhd., Maltuzi LLC, Oversee.net, Cybermesa, and/or any other entities working in concert or participation with these entities in connection with any accounts that are associated with or utilized by any of Defendants, including but not limited to those associated with the reference numbers SGP06217 and SGP06189; (vi) any and all accounts of PayPal, Inc., 221 I North First Street, San Jose, California 95131, that are associated with or utilized by any of Defendants; and (vii) any and all accounts of Inner Esteem Sdn Bhd. (d/b/a SuperCorridor.com), that are associated with or utilized by any of Defendants.

IT IS FURTHER ORDERED, that upon two (2) days written notice to the Court and Plaintiffs' counsel, any Defendant may appear and move for the dissolution or modification of the provisions of this Order concerning the restriction upon transfer of Defendants' assets upon an appropriate evidentiary showing by Defendant; and

IT IS FURTHER ORDERED, that Plaintiffs shall post a corporate surety bond, cash or a certified or attorney's check in the amount of ten thousand dollars (\$10,000) as security, determined adequate for the payment of such damages as any person may be entitled to recover as a result of a wrongful restraint hereunder; and

IT IS FURTHER ORDERED, that sufficient cause having been shown, service of this Order together with the Summons and Complaint, shall be made on Defendants and deemed effective as to all named Defendants if it is completed by all of the following means:

Case 1:07-cv-02438-JGK Document 3 Filed 03/27/2007 Page 8 of 10  
(a) by hand delivery care of Traderinasia Consulting LLC at 60th PL, Suite M1049,

Bradenton, Florida 34203:

(b) by certified express registered mail (international or through the United States Postal Service, as appropriate), return receipt requested to each of the following addresses: (i) Kelvin Cho, Traderinasia Consulting LLC, 0908, Blok Mawar, Rawang, 48000, Malaysia; and (ii) Kelvin Cho, Traderinasia Consulting LLC, Suite 603, Level 6, Menara Pelangi, Taman Pelangi, 80400 Johor Bahru, Johor, Malaysia, *and*

(c) by delivery of Adobe PDF copies of this Order together with the Summons and Complaint to the following e-mail addresses: kelvincho@gmail.com, kelvin@traderinasia.com, sales@myreplicahandbag.com, Fiona@traderinasia.com, lucy@traderinasia.com, sales@wholesale-replica.com, reseller@replica-watch-town.com, sales@replica-watch-town.com, and sales@dr-replica.com.

*on or before April 5, 2007*

IT IS FURTHER ORDERED, that such service shall be made ~~within ten (10)~~ days from the date of this Order, except as to John Doe or ABC Company defendants who may be later identified, or at such time as may be extended by this Court; and

IT IS FURTHER ORDERED, that Defendants' answering papers, if any, shall be filed with the Clerk of this Court and served upon the attorneys for Plaintiffs by delivering copies thereof to the offices of Gibson, Dunn & Crutcher LLP, 200 Park Avenue, New York, NY 10166-0193, Attention: Robert Weigel, Esq., by no later than *April 11, 2007* with any reply by Plaintiffs to be filed and served by *April 16, 2007*; and

IT IS FURTHER ORDERED that Plaintiffs' motion for expedited discovery is granted, as to all Defendants; that Plaintiffs shall serve with this order requests for disclosures pursuant to Fed. R. Civ. P. 26 and 34 in the form appended hereto as Attachment A, to be answered ~~within~~

*on or before 17, 2007*



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✓ ~~business days of service, and thereafter, to take depositions of the persons responsible for~~  
✓ ~~Defendants' business and that such discovery shall be completed on or before the \_\_\_ day of~~  
~~\_\_\_, 2007, and~~

IT IS FURTHER ORDERED, that any banks, savings and loan associations, credit card companies, credit card processing agencies, or other financial institutions or agencies that engage in the transfer of real or personal property, who receive actual notice of this order by personal service or otherwise, shall provide to Plaintiffs all records in their possession, custody, or control, concerning any and all assets of Defendants or any other entities acting in concert or participation with Defendants, including but not limited to records concerning the following accounts: (i) any and all Bank of China accounts that are associated with or utilized by any of Defendants, including but not limited to Account No. 4766603-0188-121131-3 (Swift No. BKCHCNBJ400) in the name of "Cho Yaw Koon"; (ii) any and all accounts of ProPay USA, Inc., 500 Timpanogos Parkway Building, Orem, Utah, 84097 that are associated with or utilized by any of Defendants, including but not limited to those associated with the designations "Kelvin@traderinasia," kelvincho@gmail.com, and/or "000188057 Specialty Retail Store"; and (iii) any and all Discover card payment accounts that are associated with or utilized by any of Defendants, including but not limited to those associated with the designation KELVINCHO GMAIL.COM BRADENTON, FL; (iv) any and all MasterCard, Visa, and/or American Express card payment accounts that are associated with or utilized by any of Defendants; (v) any and all accounts maintained by Enets-commercepayment.com, Network for Electronic Transfers (Singapore) Pte Ltd. (d/b/a eNets), Commerce Payment Sdn Bhd., Maltuzi LLC, Oversee.net, Cybermesa, and/or any other entities working in concert or participation with these entities in connection with any accounts that are associated with or utilized by any of Defendants, including

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but not limited to those associated with the reference numbers SGP06217 and SGP06189, (vi)

any and all accounts of PayPal, Inc., 2211 North First Street, San Jose, California 95131, that are associated with or utilized by any of Defendants; and (vii) any and all accounts of Inner Esteem Sdn Bhd. (d/b/a SuperCorridor.com), that are associated with or utilized by any of Defendants; and that such records be produced within five (5) business days of receiving actual notice of this order unless such banks, savings and loan associations or other financial institutions, or agencies that engage in the transfer of real or personal property first apply to this Court for relief from the terms of this paragraph; and

IT IS FURTHER ORDERED, that Defendants are hereby given notice that failure to attend the hearing scheduled herein may result in confirmation of the relief provided herein, immediate issuance of the requested preliminary injunction to take effect immediately upon expiration or dissolution of the within temporary restraining order, and: may otherwise extend for the pendency of this litigation upon the same terms and conditions as comprise this temporary restraining order. Defendants are hereby given further notice that they may deemed to have actual notice of the issuance and terms of such preliminary injunction and any act by them or anyone of them in violation of any of the terms thereof may be considered and prosecuted as contempt of this Court.

IT IS SO ORDERED.

✓ DATED this 26 day of March, 2007

✓ Hour: 4:59 am/p.m.

UNITED STATES DISTRICT COURT

By: David B. [Signature]

UNITED STATES DISTRICT JUDGE